

Effective 5/13/2014

78B-6-1905 Bond.

- (1) Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a sponsor has made a bad faith assertion of patent infringement in a demand letter in violation of this part, the court shall require the sponsor to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim under this part and amounts reasonably likely to be recovered under Subsections 78B-6-1904(1)(b) and (c), conditioned upon payment of any amounts finally determined to be due to the target.
- (2) A hearing on the appropriateness and amount of a bond under this section shall be held if either party requests it.
- (3) A bond ordered pursuant to this section may not exceed \$250,000. The court may waive the bond requirement if it finds the sponsor has available assets equal to the amount of the proposed bond or for other good cause shown.

Enacted by Chapter 310, 2014 General Session